

EXHIBIT A

City Charter Bus Regulation	Corresponding State/Federal FMCSR	Conflict	Safety
§13-2-253(1)-(13) – Requires prospective charter bus service providers to apply for and obtain a permit from the City; §13-2-286 – requires permits for intra-City operation at certain special events	Federal law (49 U.S.C. § 13901) requires charter bus operators engaged in interstate commerce to obtain federal permits. Excepting 49 U.S.C. § 14501(a), there is no prohibition on state or local permits.	None – State and Federal law (with the exception of § 14501(a)) does not prohibit local permits. The Secretary’s jurisdiction does not extend to transportation that takes place within a City.	As discussed in the briefs, the City’s permit requirements serve a safety interest by aiding with identification and enforcement of safety rules, and (because the permits can be revoked) by deterring violations. The permit requirement also “weeds out” prospective operators that demonstrate a high potential to flout the safety rules.
§13-2-267 – Vehicles must display permit on the bus beneath the TxDOT or USDOT sticker	None	As discussed in the briefs, 49 U.S.C. § 14506 preempts requirements for display of identification. The City maintains that its requirement is not preempted	The sticker aids with enforcement of the safety rules by assisting with identification of buses that are permitted and those that are not permitted.
§13-2-268 – Requires permittees to have insurance meeting applicable state or federal standards	49 C.F.R. 387 — Requires charter buses to have minimum level of insurance	None - There is no conflict because the City’s regulation and the FMCSR require the same minimum standards	49 U.S.C. § 14501(a)(2) exempts from preemption state and local laws enacting minimum insurance requirements
§13-2-269 – Drivers of charter buses must keep a “charter service order” available.	None	N/A	For the reasons set out by the Court in its preliminary injunction order (Doc. # 36, pp 14-15), this requirement is safety related.
§13-2-270 - Charter bus driver must load/unload passengers on a curb or sidewalk.	None	N/A	Charter buses have been observed loading/unloading passengers in the middle of the street. (Doc. # 62, Ex. A, ¶ 6)
§13-2-271 – Operator must provide alternative transportation	None	N/A	This is safety related. It prevents passengers from being stranded or left to wait on the side

immediately if bus is inoperable			of busy roads.
§13-2-272 – Drivers must have commercial driver’s license	49 C.F.R. 383 – Requires drivers to have commercial driver’s licenses (Texas has not adopted this Reg).	None	Ensuring that drivers are properly licensed is obviously safety-related.
§13-2-273 – Charter bus must use A/C or hearing unless a passenger requests otherwise	49 C.F.R. 374.313 (not adopted by the State) – Carriers must maintain a reasonable temperature on the bus	None	Requiring the use of climate controls (especially in Texas) prevents passengers from being exposed to extreme temperatures.
§13-2-274 – Drivers shall attempt to return abandoned property or keep it safe for a reasonable time	None	N/A	Discourages theft of abandoned property and mitigates the risk of confrontations between passengers and drivers
§13-2-276 – Permittee must follow applicable state and federal disability rules and may not discriminate	49 C.F.R. 37 (there is no indication that it has been adopted by Texas).	None – The City rule merely requires following state and federal rules, which contains an anti-discrimination requirement. If federal rules allow 48 hours notice, then the City regulation is compatible	Requires buses to have the equipment to <i>safely</i> transport people with disabilities.
§13-2-277 – Drivers and permittees may not sell alcohol on a bus	49 C.F.R. §§ 392.4, 392.5 – Forbid drivers from possessing or using drugs or alcohol	None – One cannot sell drugs or alcohol without possessing them.	It is an obvious safety risk for drivers to possess or sell alcohol on a charter bus.
§13-2-278 – permittee may not knowingly allow drivers to engage in criminal activity in connection with bus operation	None (Although holders of operating authority are generally responsible for enforcing all of the rules on their buses)	N/A	It is an obvious safety risk if drivers are permitted to engage in illegal activity in connection with bus operation
§13-2-279 – Drivers committing 4 or more violations of the Charter Bus Regulations are suspended from driving for a year	None	N/A	Drivers who repeatedly break the rules (which are not difficult to comply with) pose an obvious safety risk.
§13-2-280 – Drivers must act professionally and may not consume	49 C.F.R. §§ 392.4, 392.5 – Forbid drivers from possessing or	No – the rules uniformly prohibit drug and alcohol use	It is an obvious safety risk if drivers use drugs or alcohol.

alcohol or drugs	using drugs or alcohol		
§13-2-281 – Drivers may not facilitate unlawful acts, including allowing prostitution on the bus.	None	N/A	It is an obvious safety risk for bus drivers to facilitate illegal activities on a bus
§13-2-282(A) – A person may not place a charter bus in service without a valid state or federal safety inspection	49 C.F.R. 396 – Requires inspection of commercial motor vehicles	None – The City merely requires proof of a passing inspection. It does not set the terms of the inspection.	It is obvious that requiring vehicles to be inspected relates to safety.
§13-2-282(B) – In service buses shall be made available for inspection by the City	49 C.F.R. 396 – Requires vehicles to be made available for inspection by “special agents” of the FMCSA	None – The right of the City to inspect a vehicle does not interfere with the right of the FMCSA to inspect	The right to inspect vehicles ensures compliance and that vehicles are safe
§13-2-282(C) – Permittee must submit a report showing inspection history	49 C.F.R. 396.3; 396.21 – Requires motor carriers to maintain vehicle inspection records	None – Providers should have ready access to this information	Inspection history information relates to the safety of the vehicle (e.g., demonstrating that it has been routinely inspected).
§13-2-282(D) – Vehicle must have a fire extinguisher mounted within the driver’s reach	49 C.F.R. 393.95 – Fire extinguishers must be securely mounted where “it is readily accessible for use.”	None	Requiring a fire extinguisher is obviously related to safety
§13-2-282(E) – Bus must have spare tire, wrench, and jack. Tire must be mounted to meet state or federal requirements.	49 C.F.R. 393.3 – There is not specific reg covering spare tires. This regulations allows additional equipment so long as it does not decrease safety	None	Requirement is obviously related to the safety of the vehicle
§13-2-282(F) – Vehicle must be in condition to provide dependable safe operation	49 C.F.R. 392.7 – Driver must be satisfied that vehicle and equipment is in safe working order	None	Requires safe and dependable vehicles.
§13-2-282(G) – Vehicles without a trunk must have a physical barrier between passengers and luggage	49 C.F.R. 392.62 – Baggage must be stowed and secure	None – Requiring a physical barrier does not make compliance with the federal rule impossible.	Requiring that luggage be safely stowed protects passengers and the driver.
§13-2-282(H) – Vehicle must be equipped with A/C and heating that	49 C.F.R. 393.77 – forbids certain nonstandard or unusual	None – Federal rules are silent with respect to A/C	Requiring climate controls reduces risk of passengers being

operates within manufacturer's specs.	heating systems		exposed to extreme temperatures.
§13-2-283 – City may order a vehicle removed from service (in Austin) if it fails to meet state or federal inspections standards	49 C.F.R. 396.9 – Inspectors may place a vehicle out of service if it will likely cause an accident or breakdown.	None – City rule prevents dangerous vehicles from providing intra-city service	This rule prevents unsafe vehicles from transporting passengers.